

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Pherebie O. Wall and Robert E. Wall,)	
)	
Plaintiffs,)	C.A. No.: 4:04-754-RBH
)	
vs.)	
)	ORDER
State of South Carolina; County of Florence;)	
In the Interest and Estate of Shirley Vause,)	
Magistrate, in her official and individual)	
capacity; Tommy Spells, Constable, in his)	
official and individual capacity; Alvin)	
Powell, Deputy of the Florence County)	
Sheriff's Department, in his official and)	
individual capacity,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Plaintiffs filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the defendants' motions for summary judgment [Documents #63 and #73] are hereby granted with regard to plaintiffs' federal claims, and plaintiffs' motion for summary judgment [Document #116] is denied. Plaintiffs' remaining causes of action are all state law claims. This court finds that it should exercise its discretion and decline to continue the action as to the pendent state claims as it "has dismissed all claims over which it has original jurisdiction." 28 U.S.C. § 1367(c)(3). Therefore, plaintiffs state law claims are hereby **REMANDED** to the South Carolina Court of Common Pleas for the Twelfth Judicial Circuit in Florence County. Any outstanding motions are deemed **MOOT**.

IT IS SO ORDERED.

S/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
August 22, 2006